

Ryan Lee (SBN: 235879)
rlee@consumerlawcenter.com
Krohn & Moss, Ltd.
10474 Santa Monica Blvd., Suite 405
Los Angeles, CA 90025
Tel: (323) 988-2400
Fax: (866) 861-1390
Attorney for Plaintiff JESSICA HUDSON

**IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

| | | |
|--------------------------|---|---|
| JESSICA HUDSON, |) | Case No.: 8:15-cv-1750 |
| |) | |
| Plaintiff, |) | COMPLAINT AND DEMAND FOR |
| |) | JURY TRIAL |
| v. |) | (Unlawful Debt Collection Practices) |
| |) | |
| BARCLAY'S BANK DELAWARE, |) | |
| |) | |
| Defendant. |) | |

JESSICA HUDSON (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges the following against BARCLAY'S BANK DELAWARE (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on Telephone Consumer Protection Act, 28 U.S.C. § 227 *et seq.* (TCPA).
2. Count II of the Plaintiff's Complaint is based on Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788 *et seq.* (RFDCPA).

JURISDICTION AND VENUE

3. Jurisdiction of this Court over Counts I of Plaintiff's Complaint arises pursuant to 28 U.S.C. § 1331, and 28 U.S.C. § 1367 grants this court supplemental jurisdiction over the state claims contained herein.
4. Defendant conducts business in the State of California thereby establishing personal jurisdiction.
5. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

6. Plaintiff is a natural person residing in Camarillo, Ventura County, California.
7. Defendant is a business entity with a principal place of business in Wilmington, Delaware.
8. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

9. In or around 2014, Defendant began constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt.
10. Plaintiff's alleged debt arose through a consumer credit transaction.
11. Defendant places collection calls from telephone numbers, including, but not limited to, 866-456-0677.
12. Defendant places collection calls to Plaintiff's cellular telephone at phone number 805-231-3886.
13. Base upon the timing and frequency of Defendant's calls and per its prior business practices, each of Defendant's calls were placed using an automatic telephone dialing system.
14. In or around 2015, Defendant began placing multiple daily collection calls to Plaintiff.
15. On or around July 9, 2015, Plaintiff spoke to Defendant's representative, "Tovari," and

1 requested that Defendant cease placing collection calls.

2 16. On or around July 21, 2015, Plaintiff spoke to Defendant's representative, "Roger," and
3 again requested that Defendant cease placing collection calls.

4 17. Plaintiff revoked any consent, express, implied or otherwise, to receive automated
5 collection calls from Defendant in the course of the telephone conversations on or around
6 July 9, 2015; and July 21, 2015.

7 18. Despite Plaintiff's repeated requests to cease, Defendant continued to place multiple
8 collection calls to Plaintiff on a daily basis, including but not limited to at least twenty-
9 three (23) collection calls to Plaintiff's cellular telephone over an approximate two-month
10 period.

11 **COUNT I**

12 **DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTIONS ACT**

13 19. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA,
14 entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation
15 pursuant to 47 U.S.C. § 227(b)(3)(B).

16 20. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or
17 willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory
18 damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C.
19 § 227(b)(3)(C).

20 Wherefore, Plaintiff, JESSICA HUDSON, respectfully requests judgment be entered
21 against Defendant, BARCLAY'S BANK DELAWARE for the following:

22 21. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant
23 to 47 U.S.C. § (b)(3)(B);

24 22. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the
25 TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);

1 23. All court costs, witness fees and other fees incurred; and

2 24. Any other relief that this Honorable Court deems appropriate.

3
4 **COUNT II**
5 **DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION**
6 **PRACTICES ACT**

7 25. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint as
8 the allegations in Count II of Plaintiff's Complaint.

9 26. Defendant violated the RFDCPA based on the following:

- 10 a. Defendant violated § 1788.11(d) of the RFDCPA by causing a telephone to ring
11 repeatedly or continuously to annoy the person called;
12 b. Defendant violated § 1788.11(e) of the RFDCPA by communicating with Plaintiff
13 with such frequency as to be unreasonable and to constitute a harassment to
14 Plaintiff.
15 c. Defendant violated § 1788.17 of the RFDCPA by failing to comply with the Fair
16 Debt Collection Practices, Act, 15 U.S.C. § 1692 *et seq.*, to wit:
17 1. Defendant violated §1692d of the FDCPA by engaging in conduct the
18 natural consequence of which is to harass, oppress, or abuse Plaintiff;
19 2. Defendant violated §1692d(5) of the FDCPA by causing a telephone to
20 ring repeatedly or continuously with intent to annoy, harass, or abuse
21 Plaintiff.

22 WHEREFORE, Plaintiff, JESSICA HUDSON, respectfully requests judgment be entered
23 against Defendant, BARCLAY'S BANK DELAWARE for the following:

24 27. Statutory damages of \$1,000.00 pursuant to the Rosenthal Fair Debt Collection Practices
25 Act, Cal. Civ. Code §1788.30(b),

1 28. Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt Collection
2 Practices Act, Cal. Civ Code § 1788.30(c), and

3 29. Any other relief that this Honorable Court deems appropriate.

4 RESPECTFULLY SUBMITTED,
5 DATED: October 28, 2015
6 KROHN & MOSS, LTD.

7 By: /s/ Ryan Lee
8 Ryan Lee
9 Attorney for Plaintiff

10
11 **DEMAND FOR JURY TRIAL**

12 PLEASE TAKE NOTICE that Plaintiff, JESSICA HUDSON, demands a jury trial in this
13 case.